

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 200 be amended to read as follows:

- 1 Page 2, between lines 13 and 14, begin a new paragraph and insert:
 2 "SECTION 4. IC 13-11-2-8, AS AMENDED BY P.L.154-2005,
 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JANUARY 1, 2009]: Sec. 8. **(a) "Applicant", for purposes of**
 5 **IC 13-18-10, refers to a person (as defined in section 158(b) of this**
 6 **chapter) that submits an application to the department under**
 7 **IC 13-18-10-2.**
 8 ~~(a)~~ **(b)** "Applicant", for purposes of IC 13-19-4, means an
 9 individual, a corporation, a limited liability company, a partnership, or
 10 a business association that:
 11 (1) receives, for commercial purposes, solid or hazardous waste
 12 generated offsite for storage, treatment, processing, or disposal;
 13 and
 14 (2) applies for the issuance, transfer, or major modification of a
 15 permit described in IC 13-15-1-3 other than a postclosure permit
 16 or an emergency permit.
 17 For purposes of this subsection, an application for the issuance of a
 18 permit does not include an application for renewal of a permit.
 19 ~~(b)~~ **(c)** "Applicant", for purposes of IC 13-20-2, means an
 20 individual, a corporation, a limited liability company, a partnership, or
 21 a business association that applies for an original permit for the
 22 construction or operation of a landfill.
 23 ~~(c)~~ **(d)** For purposes of subsection ~~(a)~~; **(b)**, "applicant" does not
 24 include an individual, a corporation, a limited liability company, a

partnership, or a business association that:

- (1) generates solid or hazardous waste; and
- (2) stores, treats, processes, or disposes of the solid or hazardous waste at a site that is:
 - (A) owned by the individual, corporation, partnership, or business association; and
 - (B) limited to the storage, treatment, processing, or disposal of solid or hazardous waste generated by that individual, corporation, limited liability company, partnership, or business association.

SECTION 5. IC 13-11-2-71, AS AMENDED BY P.L.137-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 71. "Environmental management laws" refers to the following:

- (1) IC 13-12-2 and IC 13-12-3.
- (2) IC 13-13.
- (3) IC 13-14.
- (4) IC 13-15.
- (5) IC 13-16.
- (6) IC 13-17-3-15, IC 13-17-8-10, IC 13-17-10, and IC 13-17-11.
- (7) **IC 13-18-10**, IC 13-18-12, IC 13-18-13-31, and IC 13-18-15 through IC 13-18-20.
- (8) IC 13-19-1, IC 13-19-4, and IC 13-19-5-17.
- (9) IC 13-20-1, IC 13-20-2, IC 13-20-4 through IC 13-20-15, IC 13-20-17.7, IC 13-20-19 through IC 13-20-21, and IC 13-20-22-21.
- (10) IC 13-22.
- (11) IC 13-23.
- (12) IC 13-24.
- (13) IC 13-25-1 through IC 13-25-5.
- (14) IC 13-27-8.
- (15) IC 13-30, except IC 13-30-1."

Page 3, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 7. IC 13-11-2-129.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 129.9. "Modification", for purposes of IC 13-18-10, refers to an expansion of a confined feeding operation or concentrated animal feeding operation that results in either of the following:**

- (1) An increase in the confined animal capacity.**
- (2) An increase in the liquid manure storage capacity.**

SECTION 8. IC 13-11-2-191 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 191. **(a) "Responsible party", for purposes of IC 13-18-10, means any of the following:**

- (1) An applicant referred to in IC 13-18-10-1.5(a).**

(2) A person referred to in IC 13-18-10-1.5(b).

(3) An officer, a corporation director, or a senior management official of any of the following that is an applicant referred to in IC 13-18-10-1.5(a) or a person referred to in IC 13-18-10-1.5(b):

(A) A corporation.

(B) A partnership.

(C) A limited liability company.

(D) A business association.

~~(a)~~ (b) "Responsible party", for purposes of IC 13-19-4, means:

(1) an officer, a corporation director, or a senior management official of a corporation, partnership, limited liability company, or business association that is an applicant; or

(2) an individual, a corporation, a limited liability company, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the applicant.

~~(b)~~ (c) "Responsible party", for purposes of IC 13-20-6, means:

(1) an officer, a corporation director, or a senior management official of a corporation, partnership, limited liability company, or business association that is an operator; or

(2) an individual, a corporation, a limited liability company, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the operator.

~~(c)~~ (d) "Responsible party", for purposes of IC 13-24-2, has the meaning set forth in Section 1001 of the federal Oil Pollution Act of 1990 (33 U.S.C. 2701).

~~(d)~~ (e) "Responsible party", for purposes of IC 13-25-6, means a person:

(1) who:

(A) owns hazardous material that is involved in a hazardous materials emergency; or

(B) owns a container or owns or operates a vehicle that contains hazardous material that is involved in a hazardous materials emergency; and

(2) who:

(A) causes; or

(B) substantially contributes to the cause of; the hazardous materials emergency."

Page 5, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 12. IC 13-18-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) A person may not start construction of a confined feeding operation **or CAFO** without obtaining **both:**

(1) the prior approval of the department; **and**

(2) **any approval required by a county, city, or town in which**

the:

(A) confined feeding operation; or

(B) CAFO;

is or would be constructed or operated.

(b) Subject to section 1.5 of this chapter, obtaining an NPDES permit for a CAFO meets the requirements of subsection ~~(a)~~ (a)(1) and 327 IAC 16 to obtain an approval.

SECTION 13. IC 13-18-10-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 1.5. (a) An applicant must include in the application the disclosure statement or statements referred to in subsection (c) and proof of financial assurance referred to in subsection (f).**

(b) A person that obtains an NPDES permit for a CAFO as provided in section 1(b) of this chapter must include the disclosure statement or statements referred to in subsection (c) and proof of financial assurance referred to in subsection (f) in:

(1) the application for an individual NPDES permit for the CAFO under 327 IAC 5; or

(2) the notice of intent filed under 327 IAC 15 for general NPDES permit coverage for the CAFO.

(c) A person referred to in subsection (a) or (b) must submit to the department a disclosure statement for each responsible party that includes the following:

(1) The name and business address of the responsible party.

(2) A description of the responsible party's experience in managing the type of facility that will be managed under the permit.

(3) A description of all pending administrative, civil, or criminal enforcement actions filed against the responsible party alleging either of the following:

(A) Acts or omissions that:

(i) constitute a material violation of a state or federal environmental law or regulation; and

(ii) present a substantial endangerment to human health or the environment.

(B) Knowing, repeated violations of state or federal environmental laws or regulations that could lead to environmental harm.

(4) A description of all finally adjudicated or settled administrative, civil, or criminal enforcement actions resolved against the responsible party within the five (5) years that immediately precede the date of the application involving either of the following:

(A) Acts or omissions that:

(i) constitute a material violation of a state or federal environmental law or regulation; and

- 1 (ii) present a substantial endangerment to human health
- 2 or the environment.
- 3 (B) Knowing, repeated violations of state or federal
- 4 environmental laws or regulations that could lead to
- 5 environmental harm.
- 6 (5) Identification of all state and federal environmental
- 7 permits previously denied or revoked.
- 8 (d) A disclosure statement submitted under subsection (c):
- 9 (1) must be executed under oath or affirmation; and
- 10 (2) is subject to the penalty for perjury under IC 35-44-2-1.
- 11 (e) The department may investigate and verify the information
- 12 set forth in a disclosure statement submitted under subsection (b).
- 13 (f) A person referred to in subsection (a) or (b) must submit to
- 14 the department evidence of financial assurance, maintained in
- 15 accordance with and in amounts set in rules adopted under section
- 16 4 of this chapter. The financial assurance must be in the form of:
- 17 (1) a bond for performance, executed by a corporate surety
- 18 licensed to do business in Indiana;
- 19 (2) a negotiable certificate of deposit; or
- 20 (3) a negotiable letter of credit;
- 21 payable to the department and conditional upon faithful
- 22 performance of the requirements of this chapter and compliance
- 23 with other environmental laws.
- 24 SECTION 14. IC 13-18-10-2 IS AMENDED TO READ AS
- 25 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. (a) Application
- 26 for approval of the construction **or modification** of a confined feeding
- 27 operation **or a CAFO** must be made on a form provided by the
- 28 department. An applicant must submit the completed application form
- 29 to the department together with the following:
- 30 (1) Plans and specifications for the design and operation of
- 31 manure treatment and control facilities.
- 32 (2) A manure management plan that outlines procedures for the
- 33 following:
- 34 (A) Soil testing.
- 35 (B) Manure testing.
- 36 (3) Maps of manure application areas.
- 37 (4) Supplemental information that the department requires,
- 38 including the following:
- 39 (A) General features of topography.
- 40 (B) Soil types.
- 41 (C) Drainage course.
- 42 (D) Identification of nearest streams, ditches, and lakes.
- 43 (E) Location of field tiles.
- 44 (F) Location of land application areas.
- 45 (G) Location of manure treatment facilities.
- 46 (H) Farmstead plan, including the location of water wells on
- 47 the site.

(5) **Except as provided in subsection (e)**, a fee of one hundred dollars (\$100). The department shall refund the fee if the department does not make a determination in accordance with the time period established under section 2.1 of this chapter.

(6) The disclosure statement or statements and the proof of financial assurance required under section 1.5 of this chapter.

(b) An applicant who applies for approval to construct a confined feeding operation **or a CAFO** on land that is undeveloped or for which a valid existing approval has not been issued, **or to modify a confined feeding operation or a CAFO**, shall make a reasonable effort to provide notice:

(1) to:

(A) each person who owns land that adjoins the land on which the confined feeding operation **or the CAFO** is to be located **or modified**; or

(B) if a person who owns land that adjoins the land on which the confined feeding operation **or the CAFO** is to be located **or modified** does not occupy the land, all occupants of the land; and

(2) to the county executive of the county in which the confined feeding operation **or the CAFO** is to be located **or modified**; not more than ten (10) working days after submitting an application. The notice must be sent by mail, be in writing, include the date on which the application was submitted to the department, and include a brief description of the subject of the application. The applicant shall pay the cost of complying with this subsection. The applicant shall submit an affidavit to the department that certifies that the applicant has complied with this subsection.

(c) A person must comply with subsection (d) if:

(1) the person is not required to file an application as provided in section 1(b) of this chapter for construction of a CAFO:

(A) on land that is undeveloped; or

(B) for which:

(i) a valid existing approval has not been issued; or

(ii) an NPDES permit has not been obtained;

or for modification of a CAFO; and

(2) the person files:

(A) an application under 327 IAC 5 for an individual NPDES permit for the construction or modification of a CAFO; or

(B) a notice of intent under 327 IAC 15 for general NPDES permit coverage for construction or modification of a CAFO.

(d) A person referred to in subsection (c) shall make a reasonable effort to provide notice:

(1) to:

(A) each person who owns land that adjoins the land on which the CAFO is to be located or modified; or

(B) if a person who owns land that adjoins the land on which the CAFO is to be located or modified does not occupy the land, all occupants of the land; and

(2) to the county executive of the county in which the CAFO is to be located or modified;

not more than ten (10) working days after submitting an application or filing a notice of intent. The notice must be sent by mail, be in writing, include the date on which the application or notice of intent was submitted to or filed with the department, and include a brief description of the subject of the application or notice of intent. The person shall pay the cost of complying with this subsection. The person shall submit an affidavit to the department that certifies that the person has complied with this subsection.

(e) The fee for a modification of a confined feeding operation or CAFO is the fee determined by rule by the department as a percentage of the fee established under subsection (a)(5) for the type of operation determined to account for the magnitude of the modification as compared to the magnitude of the original construction.

~~(e)~~ (f) Plans and specifications for manure treatment or control facilities for a confined feeding operation or a CAFO must secure the approval of the department. The department shall approve the construction and operation of the manure management system of the confined feeding operation or the CAFO if the commissioner determines that the applicant meets the requirements of:

(1) this chapter;

(2) rules adopted under this chapter;

(3) the water pollution control laws;

(4) rules adopted under the water pollution control laws; and

(5) policies and statements adopted under IC 13-14-1-11.5 relative to confined feeding operations or CAFOs.

SECTION 15. IC 13-18-10-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2.1. (a) The department:

(1) shall make a determination on an application not later than ninety (90) days after the date the department receives the completed application, including all required supplemental information, unless the department and the applicant agree to a longer time; and

(2) may conduct any inquiry or investigation, consistent with the department's duties under this chapter, the department considers necessary before making a determination.

(b) If the department fails to make a determination on an application not later than ninety (90) days after the date the department receives the completed application, the applicant may request and receive a refund of an approval application fee paid by the applicant, and the commissioner shall:

- (1) continue to review the application;
- (2) approve or deny the application as soon as practicable; and
- (3) refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.

(c) The commissioner may suspend the processing of an application and the ninety (90) day period described under this section if **either of the following applies:**

(1) The department:

- (A) determines within thirty (30) days after the department receives the application that the application is incomplete; and
- (B) has mailed a notice of deficiency to the applicant that specifies the parts of the application that:

- ~~(1)~~ (i) do not contain adequate information for the department to process the application; or
- ~~(2)~~ (ii) are not consistent with applicable law.

(2) The department:

- (A) determines that the applicant is subject to any pending action as described in section 1.5(c)(3) of this chapter; and
- (B) is diligently pursuing the pending action under IC 13-30.

(d) The department may establish requirements in an approval regarding that part of the confined feeding operation **or the CAFO** that concerns manure handling and application to assure compliance with:

- (1) this chapter;
- (2) rules adopted under this chapter;
- (3) the water pollution control laws;
- (4) rules adopted under the water pollution control laws; and
- (5) policies and statements adopted under IC 13-14-1-11.5 relative to confined feeding operations **or CAFOs**.

(e) Subject to subsection (f), the commissioner may deny an application upon making either of the following findings:

(1) A responsible party intentionally misrepresented or concealed any material fact in:

- (A) a disclosure statement; or
- (B) other information;

required by section 1.5 of this chapter.

(2) An enforcement action was resolved against a responsible party as described in section 1.5(c)(4) of this chapter.

(f) The commissioner may not deny an application under this section based solely on pending actions disclosed under section 1.5(c)(3) of this chapter.

1 (g) Before making a determination to approve or deny an
 2 application, the commissioner shall consider the following factors:

3 (1) The nature and details of the acts attributed to the
 4 applicant or responsible party.

5 (2) The degree of culpability of the responsible party.

6 (3) The responsible party's cooperation with the state or
 7 federal agencies involved in the investigation of the activities
 8 involved in actions referred to in section 1.5(c)(4) of this
 9 chapter.

10 (4) The responsible party's dissociation from any other
 11 persons or entities convicted in a criminal enforcement action
 12 referred to in section 1.5(c)(4) of this chapter.

13 (5) Prior or subsequent self-policing or internal education
 14 programs established by the responsible party to prevent acts,
 15 omissions, or violations referred to in section 1.5(c)(4) of this
 16 chapter.

17 (6) Whether the best interests of the public will be served by
 18 denial of the permit.

19 (7) Any demonstration of good citizenship by the person or
 20 responsible party.

21 (h) Except as provided in subsection (i), in taking action under
 22 subsection (e), the commissioner shall make separately stated
 23 findings of fact to support the action taken. The findings of fact
 24 must:

25 (1) include a statement of ultimate fact; and

26 (2) be accompanied by a concise statement of the underlying
 27 basic facts of record to support the findings.

28 (i) If the commissioner denies an application under subsection
 29 (e), the commissioner is not required to explain the extent to which
 30 any of the factors set forth in subsection (g) influenced the denial.

31 ~~(e)~~ (j) The department may amend an approval of an application or
 32 revoke an approval of an application:

33 (1) for failure to comply with:

34 (A) this chapter;

35 (B) rules adopted under this chapter;

36 (C) the water pollution control laws; or

37 (D) rules adopted under the water pollution control laws; and

38 (2) as needed to prevent discharges of manure into the
 39 environment that pollute or threaten to pollute the waters of the
 40 state.

41 SECTION 16. IC 13-18-10-2.2 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2.2. (a) If an
 43 applicant receives an approval under this chapter and completes
 44 construction, not more than thirty (30) days after the date the applicant
 45 completes the construction the applicant shall execute and send to the
 46 department an affidavit that affirms under penalties of perjury that the
 47 confined feeding operation **or the CAFO:**

1 (1) was constructed; and
 2 (2) will be operated;
 3 in accordance with the requirements of the department's approval.
 4 (b) Construction of an approved confined feeding operation **or a**
 5 **CAFO** must:
 6 (1) begin not later than two (2) years; and
 7 (2) be completed not later than four (4) years;
 8 after the date the department approves the construction of the confined
 9 feeding operation **or the CAFO** or the date all appeals brought under
 10 IC 4-21.5 concerning the construction of the confined feeding
 11 operation **or the CAFO** have been completed, whichever is later.

12 SECTION 17. IC 13-18-10-2.6 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2.6. The
 14 department shall establish a compliance and technical assistance
 15 program for owners and operators of confined feeding operations **and**
 16 **CAFOs** that may be administered by:

- 17 (1) the department;
- 18 (2) a state college or university; or
- 19 (3) a contractor.

20 SECTION 18. IC 13-18-10-4, AS AMENDED BY P.L.2-2007,
 21 SECTION 167, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JANUARY 1, 2009]: Sec. 4. (a) **Subject to subsection**
 23 **(c)**, the board may adopt rules under IC 4-22-2 and IC 13-14-9 and the
 24 department may adopt policies or statements under IC 13-14-1-11.5
 25 that are necessary for the proper administration of this chapter. The
 26 rules, policies, or statements may concern construction and operation
 27 of confined feeding operations **and CAFOs** and may include uniform
 28 standards for:

- 29 (1) construction and manure containment that are appropriate for
- 30 a specific site; and
- 31 (2) manure application and handling that are consistent with best
- 32 management practices:
 - 33 (A) designed to reduce the potential for manure to be
 - 34 conveyed off a site by runoff or soil erosion; and
 - 35 (B) that are appropriate for a specific site.

36 (b) Standards adopted in a rule, policy, or statement under
 37 subsection (a) must:

- 38 (1) consider confined feeding standards that are consistent with
- 39 standards found in publications from:
 - 40 (A) the United States Department of Agriculture;
 - 41 (B) the Natural Resources Conservation Service of the United
 - 42 States Department of Agriculture;
 - 43 (C) the Midwest Plan Service; and
 - 44 (D) postsecondary educational institution extension bulletins;
 - 45 and
 - 46 (2) be developed through technical review by the department,

postsecondary educational institution specialists, and other animal industry specialists.

(c) The board shall:

(1) adopt rules under IC 4-22-2 and IC 13-14-9 to set the amount of financial assurance required of a person under section 1.5(f) of this chapter; and

(2) set graduated amounts under subdivision (1) based on the greater potential liability associated with larger operations."

Page 24, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 42. IC 36-8-12-2, AS AMENDED BY P.L.43-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. As used in this chapter:

"Employee" means a person in the service of another person under a written or implied contract of hire or apprenticeship.

"Employer" means:

- (1) a political subdivision;
- (2) an individual or the legal representative of a deceased individual;
- (3) a firm;
- (4) an association;
- (5) a limited liability company;
- (6) an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5(a); or
- (7) a corporation or its receiver or trustee;

that uses the services of another person for pay.

"Essential employee" means an employee:

- (1) who the employer has determined to be essential to the operation of the employer's daily enterprise; and
- (2) without whom the employer is likely to suffer economic injury as a result of the absence of the essential employee.

"Nominal compensation" means annual compensation of not more than twenty thousand dollars (\$20,000).

"Public servant" has the meaning set forth in IC 35-41-1-24.

"Responsible party" has the meaning set forth in ~~IC 13-11-2-191(d).~~

IC 13-11-2-191(e).

"Volunteer fire department" means a department or association organized for the purpose of answering fire alarms, extinguishing fires, and providing other emergency services, the majority of members of which receive no compensation or nominal compensation for their services.

"Volunteer firefighter" means a firefighter:

- (1) who, as a result of a written application, has been elected or appointed to membership in a volunteer fire department;
- (2) who has executed a pledge to faithfully perform, with or without nominal compensation, the work related duties assigned

1 and orders given to the firefighter by the chief of the volunteer
 2 fire department or an officer of the volunteer fire department,
 3 including orders or duties involving education and training as
 4 prescribed by the volunteer fire department or the state; and
 5 (3) whose name has been entered on a roster of volunteer
 6 firefighters that is kept by the volunteer fire department and that
 7 has been approved by the proper officers of the unit.

8 "Volunteer member" means a member of a volunteer emergency
 9 medical services association connected with a unit as set forth in
 10 IC 16-31-5-1(6).

11 SECTION 43. IC 36-8-12-13, AS AMENDED BY P.L.107-2007,
 12 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2009]: Sec. 13. (a) A volunteer fire department may
 14 impose a charge on the owner of property, the owner of a vehicle, or a
 15 responsible party (as defined in ~~IC 13-11-2-191(d)~~ **IC 13-11-2-191(e)**)
 16 that is involved in a hazardous material or fuel spill or chemical or
 17 hazardous material related fire (as defined in IC 13-11-2-96(b)):

- 18 (1) that is responded to by the volunteer fire department; and
- 19 (2) that members of that volunteer fire department assisted in
 20 extinguishing, containing, or cleaning up.

21 (b) The volunteer fire department shall bill the owner or responsible
 22 party of the vehicle for the total dollar value of the assistance that was
 23 provided, with that value determined by a method that the state fire
 24 marshal shall establish under IC 36-8-12-16. A copy of the fire incident
 25 report to the state fire marshal must accompany the bill. This billing
 26 must take place within thirty (30) days after the assistance was
 27 provided. The owner or responsible party shall remit payment directly
 28 to the governmental unit providing the service. Any money that is
 29 collected under this section may be:

- 30 (1) deposited in the township firefighting fund established in
 31 IC 36-8-13-4;
- 32 (2) used to pay principal and interest on a loan made by the
 33 department of homeland security established by IC 10-19-2-1 or
 34 a division of the department for the purchase of new or used
 35 firefighting and other emergency equipment or apparatus; or
- 36 (3) used for the purchase of equipment, buildings, and property
 37 for firefighting, fire protection, and other emergency services.

38 (c) The volunteer fire department may maintain a civil action to
 39 recover an unpaid charge that is imposed under subsection (a).

40 SECTION 44. IC 36-8-12.2-5 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. As used in this
 42 chapter, "responsible party" has the meaning set forth in
 43 ~~IC 13-11-2-191(d)~~ **IC 13-11-2-191(e)**."

44 Page 24, after line 40, begin a new paragraph and insert:

45 "SECTION 47. [EFFECTIVE UPON PASSAGE] (a) **This**
 46 **SECTION applies notwithstanding the effective date of:**

1 (1) IC 13-18-10-1.5, as added by this act; and

2 (2) the amendments under this act to IC 13-11-2-8,
3 IC 13-11-2-191, IC 13-18-10-1, IC 13-18-10-2, IC 13-18-10-2.1,
4 and IC 13-18-10-2.2.

5 (b) The definitions in IC 13-11-2 apply throughout this
6 SECTION.

7 (c) Subject to subsection (d), the Indiana Code sections referred
8 to in subsection (a), as added or amended by this act, apply to the
9 following confined feeding operations and CAFOs in the same
10 manner those sections would have applied if those sections had
11 been in effect on the date the application for the confined feeding
12 operation or CAFO was submitted to the department or the notice
13 of intent for general NPDES permit coverage for the CAFO was
14 filed with the department:

15 (1) A confined feeding operation or CAFO for which a person
16 is required to submit an application to the department for
17 approval under IC 13-18-10-1(a), as amended by this act.

18 (2) A CAFO for which a person is required to submit an
19 application to the department for approval of an individual
20 NPDES permit for the CAFO under 327 IAC 5.

21 (3) A CAFO for which a person is required to file a notice of
22 intent under 327 IAC 15 for general NPDES permit coverage
23 for the CAFO.

24 (d) Subsection (c) applies only if:

25 (1) the date of submission of a notice of intent referred to in
26 subsection (c) is on or after the effective date of this
27 SECTION; or

28 (2) an application referred to in subsection (c) was not
29 approved by the department before the effective date of this
30 SECTION.

31 SECTION 48. An emergency is declared for this act."

32 Renumber all SECTIONS consecutively.

(Reference is to ESB 200 as printed February 22, 2008.)

Representative Dvorak